

### REMARKS

Applicants elect the claims of Group II, directed to an isolated nucleic acid encoding a polypeptide which is a mutant major surface antigen of a strain of hepatitis B virus having a gly to arg substitution at amino acid position 145.

Nevertheless, claims 2-11 all are drawn to the isolated nucleic acid notwithstanding that claims 10 and 11 are in Group III. The isolated nucleic acid of claim 10 forms a part of the isolated nucleic acid of claim 3. Similarly, the isolated nucleic acid of claim 11 is defined by amino acid residues 298-320 of SEQ. I.D. No. 3 which is part of the amino acid residues 174-400 of SEQ. I.D. No. 3 of claim 9.

Therefore, claims 2-11 should be examined together.

Additionally, under PCT unity of invention rules, Applicants are further entitled to the claims directed to the purified polypeptide encoded by the nucleic acid and claims directed to a use of the nucleic acid. Therefore, Applicants also respectfully request examination of claims 21 and 23 and the claims of Group XIV.

Applicants elect species B of Group XIV comprising a method employing nucleic acid amplification.

Claim 37 is generic to Group XIV.

Regarding the scientific article mentioned on page 6 of the Office Action (Oon et al., Molecular epidemiology of hepatitis B virus vaccine variants in Singapore, Vaccine, Vol. 13, No. 8, 699-702, 1995), although that publication discloses the detection of Singapore strain vaccine variants with a gly-to-arg mutation at HbsAg position 145 by nucleic acid amplification, it does not disclose the *adw* subtype. Claim 37 has been amended, based on the disclosure in line 19 of page 24 and line in 12 of page 25 of the subject specification, and thus is now limited to the recited subtype. Therefore, claim 37

is not anticipated by the reference.

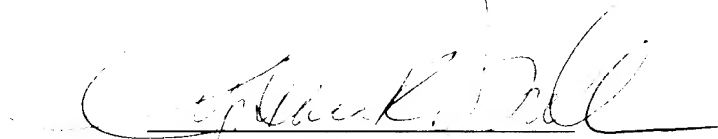
The amendment to claim 34 corrects an obvious typographical error.

Applicants reserve the right to file one or more divisional applications for the subject matters of the non-elected claims.

Applicants respectfully request modification of the election/restriction requirement followed by examination on the merits.

A petition and fee for extension of time for one month is submitted herewith.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Cynthia R. Miller", is written over a horizontal line.

Cynthia R. Miller  
LADAS & PARRY  
26 West 61<sup>st</sup> Street  
New York, NY 10023  
Reg. No. 34,678 (212) 708-1914